

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 13 2019

SHAWNA TANNER, individually and as
personal representative of JAY HINTON, JR.,

MITCHELL R. ELFERS
CLERK

Plaintiffs,

v.

No. CV 17-876 JB\KBM

TIMOTHY I. MCMURRAY, M.D., *et al.*,

Defendants.

STIPULATED ORDER GRANTING EDUARD KOSSMANN'S
PARTIAL MOTION FOR SUMMARY JUDGMENT (COUNTS I & II)
ON PLAINTIFF'S AMENDED COMPLAINT

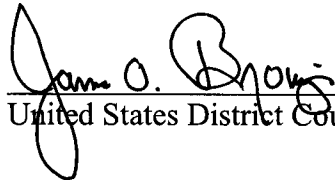
THIS MATTER came before the Court on Eduard Kossmann's Motion for Partial Summary Judgment on Counts I and II and Memorandum in Support [Document 168] filed March 20, 2019. The Court was informed that Defendants Board of County Commissioners of Bernalillo County, New Mexico; Thomas J. Ruiz; and Martina Sanchez-Filfred took no position on the Motion, and Plaintiff filed a Notice [Document 197] on April 3, 2019, advising that she did not intend to pursue against Mr. Kossmann the causes of action alleged in Count I and Count II of Plaintiff's operative Complaint. The Court having read the pleadings and otherwise been apprised of the matter FINDS as follows:

1. The United States District Court for the District of New Mexico has jurisdiction over the parties and the subject matter;
2. Venue is properly laid in this District; and
3. Mr. Kossmann's Motion for Partial Summary Judgment on Counts I and II and Memorandum in Support [Document 168] is properly before the Court.

IT IS THEREFORE ORDERED that judgment is hereby entered in favor of Mr. Kossmann and against Plaintiff, on Count I and Count II of Plaintiff's First Amended Complaint for Civil Rights Violations, Tort Claims, Wrongful Death, Statutory Violations, Damages, and Injunctive Relief [Document 50].

IT IS FURTHER ORDERED that each party is to bear its own costs and fees incurred with respect to Eduard Kossmann's Motion for Partial Summary Judgment on Counts I and II and Memorandum in Support [Document 168].

IT IS SO ORDERED.



United States District Court Judge

ORDER PREPARED BY:

PARK & ASSOCIATES, LLC

/s/ Geoffrey D. White

Alfred A. Park

Geoffrey D. White

Lawrence M. Marcus

*Attorneys for Correct Care Solutions, LLC, Timothy McMurray, M.D., Adriana Luna, R.N.,
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AGREED AS TO FORM:

LAW OFFICE OF JONLYN M. MARTINEZ, LLC

/s/ Electronically approved via dated 04/26/2019

Jonlyn M. Martinez

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*Attorney for Board of County Commissioners of Bernalillo County, New Mexico; Thomas J.
Ruiz; and Martina Sanchez-Filfred*

KENNEDY HERNANDEZ, P.C.

/s/ Electronically approved via Arne Leonard email dated 04/25/2019

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- and -

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